**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**W.P.No.9671 of 2007**

***Date:26.06.2007***

**Between:**

B.Siva Sankara Srinivasa Satya Sai Prasad

.. PETITIONER

AND

The Mandal Revenue Officer and another.

..RESPONDENTS

**ORDER:**

The mother of the petitioner filed a declaration under Section 8 of the Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short 'the Act'). An order was passed by the Land Reforms Tribunal on 25.09.1975. An extent of 2.2767 standard holdings of land is in excess of ceiling limit. At that stage, the petitioner got himself impleaded alleging that the lands belonging to him were also computed to the holding of his mother. Several rounds of litigation ensued thereon and at present, C.R.P.No.710 of 2006 filed by the petitioner is pending before this Court. An interim order was passed on 17.02.2006.

The petitioner intended to sell two items of land, namely those in survey Nos.83/2 and 85/5 of Panasapadu Village of East Godavari District to perform the marriage of his daughter. However, he came to know that the Mandal Revenue Officer addressed a letter, dated 25.09.2006, to the second respondent stating that the lands in the survey numbers mentioned therein have been taken possession by the Government and no document

in relation thereto be entertained. The petitioner feels aggrieved by the same.

On behalf of the respondents, a counter-affidavit is filed, stating *inter alia* that the petitioner cannot alienate any item of land covered by the declaration, in view of the bar contained under Section 17 of the Act. Certain other facts are also stated.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 10 of the Act prescribes a detailed procedure to be followed in the matter of taking possession of surplus land. The petitioner, by himself, is not a declarant. He claims certain rights in the lands, which were included in the declaration filed by his mother. C.R.P.No.710 of 2006 is pending before this Court.

The learned counsel for the petitioner had strongly urged that the so-called surrender proceedings initiated under Section 10 of the Act vis-à-vis the lands are not valid. Even assuming that there is any infirmity in the said proceedings, the fact remains that Section 17 of the Act prohibits alienation of any lands covered by the declaration. Therefore, the petitioner cannot alienate any items of land covered by the declaration, unless and until the proceedings under the Act assume finality. This would be possible through the disposal of C.R.P.No.710 of 2006.

Hence, the writ petition is disposed of, leaving it open to the petitioner to take necessary steps only after the proceedings, which are the subject matter of C.R.P.No.710 of 2007, assume finality. There shall be no order as to costs.

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26.06.2007

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